

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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GEORGE IVERSON, Individually,

Plaintiff,

Case No.: 04-CV-11835-JLT

v.

MANFELD HOTEL ENTERPRISE LIMITED  
PARTNERSHIP, INC., a Massachusetts  
Limited Partnership,

Defendant.

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**JOINT SCHEDULING STATEMENT  
PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(d), the parties submit the following joint statement in connection with the Scheduling Conference to be held on April 5, 2005:

1. **Matters to be Discussed at Conference.** The parties will appear prepared to discuss the following issues:
  - a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
  - b. Anticipated dispositive and pre-trial motions;
  - c. Alternative Dispute Resolution; and

d. Settlement.

**2. Summary of Parties' Positions:**

Plaintiff:

This is a claim under Title III of the Americans with Disabilities Act ("ADA"), 42 U.S.C. Section 12181, et seq. Plaintiff, an individual with disabilities as defined by the ADA, alleges that the defendant hotel is not in compliance with the ADA in several respects (see par. 15 of Complaint).

Defendant:

The defendant denies that it has violated plaintiff's rights under the Americans with Disabilities Act. As to the violations alleged by plaintiff, defendants facilities are in full compliance with the ADA or, in the alternative, any required modifications are not within defendant's control and/or are not readily achievable..

**3. Procedural Motions and other Pending Matters.** There are no pending motions currently before the Court.

**4. Joint Discovery Plan.** The parties seek to engage in discovery in as efficient a matter as possible. The parties have identified as a first step in discovery an inspection of defendant's premises by plaintiff's expert. The parties proposed schedule is as follows:

<b>Deadline or Event</b>	<b>Date</b>
Fed. R. Civ. P. 26(a)(1)(C) (D) disclosures:	February 28, 2005
Fed. R. Civ. P. 26(a)(1)(A)(B) disclosures:	As required through the course of

discovery

Plaintiffs' Expert Reports: June 30, 2005

Defendant's Expert Reports: July 30, 2005

Close of Discovery August 30, 2005

The parties have agreed that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). The parties have further agreed that all discovery requests must be propounded no later than 33 days prior to the close of discovery. Each party shall reserve its or his right to seek by motion additional discovery, with good cause shown.

**5. Proposed Motion Schedule:**

Motion to Add Parties or Amend Pleadings: May 25, 2005

Summary Judgment Motions September 7, 2005

**6. Settlement.** The parties agree that settlement is possible but do not at this time request a settlement conference before a Magistrate Judge.

**7. Trial by Magistrate Judge.** At this time, the parties do not consent to trial by a Magistrate Judge.

**8. Budget and Alternative Dispute Resolution.** Counsel for the parties have conferred with their respective clients concerning establishing a budget for litigation and the use of Alternative Dispute Resolution. The parties certifications required pursuant to Local Rule 16.1(D)(3) are attached or will be submitted under separate cover.

**9. Modification of Schedule.** All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion of the Court for good cause shown.

Date: March 31, 2005

Counsel for Plaintiff:

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